

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**JERRY JOHNNY THOMPSON, JR.,**

Plaintiff,

v.

**Lt. LARRY BYRD, et al.,**

Defendants.

Civil Action No. 7:12-cv-99 (HL)

**ORDER**

Plaintiff Jerry Johnny Thompson, Jr., who is proceeding *pro se*, has filed an objection to the order of Magistrate Judge Thomas Q. Langstaff (Doc. 40) in which the Magistrate Judge addresses Plaintiff's Motion for Clarification and Motion for Leave to Depose Written Questions Incarcerated Witnesses (Docs. 38, 39). Plaintiff's objections are discussed below.

Pursuant to Federal Rule of Civil Procedure 72, a district judge is charged with considering timely objections in a case that was referred to the magistrate judge. The district court judge must set aside any part of the order that is clearly erroneous or is contrary to law. FED. R. CIV. P. 72(a).

In this case, the Court finds that no part of the magistrate judge's order is clearly erroneous or contrary to law. Magistrate Judge Langstaff's decision to grant a thirty day extension to the discovery period, as opposed to the 120 days originally requested by Plaintiff, is not clearly erroneous. Likewise, the decision to

disallow Plaintiff from pursuing written depositions of ten witnesses who are incarcerated in different correctional institutions is not contrary to law in any way.

Also, in his objections, Plaintiff raises the issue of a potential conflict with Magistrate Judge Langstaff presiding over this case. Specifically, Plaintiff states that Magistrate Judge Langstaff previously represented Defendant Larry Byrd in a past lawsuit. After research, the Court discovered that the case to which Plaintiff refers is Calhoun v. Byrd, 7:09-cv-77, 2010 WL 2688666 (M.D. Ga. July 1, 2010). The attorney in that case was Robert B. Langstaff, Jr., not Magistrate Judge Thomas Q. Langstaff. Thus, there is no conflict.

The Court finds Plaintiff's objections to be without merit.

**SO ORDERED**, this 24<sup>th</sup> day of May, 2013.

**s/Hugh Lawson**  
HUGH LAWSON, SENIOR JUDGE

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